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In re Application of:
Jeffrey M. Florczak et al.
Serial No.: 09/898,580
Filed: July 3, 2001
Attorney Docket No.: 55320US028

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is a decision on the "Request for Reconsideration of the Holding of Abandonment" filed via facsimile transmission on July 15, 2003. It is being treated as a petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181(a). There is no fee for this petition.

The petition is **GRANTED**.

The application was held abandoned for failure to file a proper reply to the non-final Office action mailed on October 21, 2002. A Notice of Abandonment was mailed on July 11, 2003.

Petitioner asserts that a response (an amendment with a petition for a two-month extension of time) was timely mailed to the U.S. Patent and Trademark Office (USPTO) on March 21, 2003 via the procedure set forth in 37 C.F.R. § 1.8. The evidence provided by the petitioner includes a statement which attests upon a personal knowledge basis to the previous mailing of the response on March 21, 2003. A copy of the response was sent in to the USPTO via facsimile transmission on June 26, 2003. The copy of the response contains the required certificate of mailing (dated March 21, 2003) under 37 C.F.R. § 1.8 (a)(1)(ii). The evidence is sufficient under 37 C.F.R. § 1.8 (b) to establish that the response was timely filed.

For the above stated reason, the petition is granted. The Notice of Abandonment mailed July 11, 2003 is hereby **VACATED** and the holding of abandonment is withdrawn.

The copy of the response filed on June 26, 2003 is accepted since the response originally submitted was apparently lost.

The application file is being forwarded to the Technology Center 2800 support staff for processing of the response. Deposit Account No. 13-3723 will be charged \$410.00, i.e., the fee for a two-month extension of time at the time the response was filed.

Thereafter, the application file will be forwarded to the examiner for preparation of an Office action based upon the response.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.



Janice A. Falcone, Director
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